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PERRY HOFFMAN AND ASSOCIATES, P.C.
P.O. BOX 1649
DEERFIELD, IL 60015

EXAMINER	
CHAMPAGNE, LUNA	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/027,965
Filing Date: December 19, 2001
Appellant(s): GIL ET AL.

James A. Sprowl
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 18, 2007 appealing from the Office action mailed June 2, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5983198	Mowery et al.	11-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-9, 12, and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Mowery et al (5,983,198).

Mowery shows sending a request from a network for real time data comprising, for instance, inventory level of a partner; receiving the real-time data from the partner; and generating a real-time report using the data providing visibility into the status of the partner.

As to claim 18, it is noted that Mowery shows a database maintaining context information, e.g., information regarding levels at which to provide additional inventory; a processor coupled to the database, wherein the processor is operable to perform the claimed steps, as discussed above.

As to claims 8 and 9, Mowery shows that the data involves the status of a transaction, comprising whether or not additional inventory is required by the partner; and reference data comprising the partner's inventory level.

As to claim 12, Mowery shows validating the real-time data against the context data, comprising validating it against the minimum inventory level data to determine when to send additional inventory.

As to claim 19, Mowery shows a processor operable to generate a GUI.

As to claims 20 and 21, Mowery shows an alert report to notify when the task of delivering additional inventory must be accomplished.

As to claim 22, Mowery shows an inventory report relating to partner inventory.

***Claim Rejections - 35 USC* § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mowery.

Mowery shows converting the real-time data into a format usable by the network system, since the system uses the data.

Alternatively, Mowery shows all elements except converting the data into data usable by the network. However, to convert data from an outside system to data usable by another system is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to do so in order to allow the system to successfully use the information.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mowery. Mowery shows all elements of the claim except converting the data into XML. However, converting data into an XML format is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to do so in order to provide for ease of manipulation in the database.

(10) Response to Argument

Group A

Applicant argues that the rejection over Mowery is not proper because Mowery does not relate to a transaction. The examiner respectfully disagrees.

It is noted that the meaning of transaction is not limited to a financial or commercial transaction between two parties. It can refer to a transaction within a group (such as within the customer, the transaction of sending the resource from the holding tank to the plant) and it can refer to non-financial transactions. In this context, the data is related to the transaction within the customer as mentioned above.

Next, even if it is assumed that the transaction must be a financial one between the customer (the partner) and another party (the vendor delivering the resource to the customer - the enterprise), the requests for data are for data relating to a transaction. They are for inventory levels at the customer, and those inventory levels are related to the transaction because upon reaching a certain inventory level the enterprise delivers and sells more products to the customer. The reports are likewise related to the transaction.

Group B

Applicant did not properly traverse the Examiner's rejection of claim 10 as being notoriously old and well known in the art after the non-final action mailed on 9/14/05.

Therefore, the known facts were considered admitted prior art at the time of the final action. The Examiner still believes that converting real-time data into a format usable by a network system is considered old and well known. For example, in a wireless communication system, the data received from external sources is converted into a common markup language for internal processing before being sent to the users.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Luna Champagne

November 15, 2007

Conferees:

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627

Michael Cuff

/Michael Cuff/

Primary Examiner, Art Unit 3627